IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION No. 18391 of 2004

Between:

Bandari Thirupathi Rao, S/o. Venkat Rao,
R/o. Ramannapet, V/o. Nookapalli, Mallial Mandal,
Karimnagar District. ..... PETITIONER

AND

1 The District Collector, Karimnagar District, Karimnagar.
2 The Revenue Divisional Officer, Jagtial Division, Jagtial,
Karimnagar District.
3 The Mandal Revenue Officer, Malliai Mandal, Karimnagar District.
4 Vooturi Gourishankar, S/o. Venkanna,
R/o. Shivaveedhi, Jagtial Village and Mandal, Karimnagar District.
5 Donthula Surender, S/o. Narayana,
R/o. Near Tower, Jagtial Village and Mandal, Karimnagar District.
6 Banuka Laxminarayana, S/o. Rajaram,
R/o. Near Vegetable Market, Jagital Village and Mandal,
Karimnagar District.
7 Smt. Sama Jamuna, W/o. Soma Srinath,
R/o. H.No. 6-6-49, Brahmana Veedhi, Jagital Village and Mandal,

Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus or any other appropriate one in the nature of writ of mandamus or any other appropriate writ order or direction declaring the orders passed by the respondents no.2 in Proc.No. B/332/2001 dated 14-2-2003 and confirmed by the respondent No. 1 in proceedings No. D1/1555/2003 dated 16-9-2004 as illegal, null and void as the

same are against the provision of theA.P. Rights in land and pattedar pass book Act and against the Judgment reported in 2003(1) ALD 681.

Counsel for the Petitioner : Mr.K.VENUMADHAV

Counsel for Respondents : G.P. FOR REVENUE

The Court at the stage of admission, made the following :

ORDER:

Heard the learned counsel for petitioner and the learned Government Pleader for respondents and both of them agreed for disposal of the writ petition finally at the stage of admission.

Placing reliance on the judgment of this Court in **V.Goutham Rao v. Revenue Divisional Officer, Jagtial, Karimnagar District**, the petitioner seeks to set aside the order of the second respondent dated 14.2.2003 which was confirmed by the first respondent by order dated 16.9.2004.

It is well settled that the right accrued on the date of filing of appeal, cannot be taken away by subsequent institution of suit by the petitioner. The right which accrued to a party pertaining to entries in the revenue records on the date of filing of appeal continue to remain till the final orders are passed in the appeal, including revision, if any. In view of the same, as and when the Civil Court decides the matter in favour of petitioner, the revenue officials have to rectify the entries in the revenue records in conformity with the decree passed by the Civil Court in view of sub-section (2) of Section 8 of the A.P.Rights in Land and Pattedar Passbooks Act, 1971. It is needless to observe that the Civil Court has to proceed with the suit uninfluenced by the order passed by the Revenue Divisional Officer or by the Joint Collector.

The writ petition is accordingly dismissed. No costs.

A.GOPAL REDDY, J

Date: 8.10.2004

Note : C.C. IN (3) DAYS.

B/o

DA

To

1 The District Collector, Karimnagar District, Karimnagar.
2 The Revenue Divisional Officer, Jagtial Division, Jagtial, Karimnagar District.
3 The Mandal Revenue Officer, Malliai Mandal, Karimnagar District.

4 Two CCs to the G.P. for Revenue, High Court Buildings, Hyderabad.

5 Two CD copies.